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OFFICE OF PETITIONS

In re Application of :
Ulitz :
Application No. 10/692,217 :
Filed: October 23, 2003 :
Attorney Docket No. 109770.0018 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As the Office had no record of an appeal brief (and appeal brief fee) being filed within two (2) months of the Notice of Appeal filed September 21, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application was considered abandoned on November 22, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief and required \$250.00 fee, (2) the petition fee of \$750.00, and (3) a proper statement of unintentional delay.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

This application is being referred to Technology Center AU 3616 for appropriate action by the Examiner in the normal course of business on the reply received.

Shirene Willis Brantley
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